

Applicant: Karpel
Application No.: 10/715,204
Examiner: B. Gehman

REMARKS

Claims 15-34 are pending in the application and are presented for the Examiner's review and consideration. Claims 1-14 have been cancelled and claims 15-34 have been added. Applicant believes that the claim cancellations, additions, and the accompanying remarks serve to clarify the present invention and are independent of patentability. Accordingly, Applicant respectfully submits that that they do not limit the range of any permissible equivalents.

35 U.S.C. § 112 Rejection

Claims 1-14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-14 have been cancelled rendering this rejection moot.

35 U.S.C. § 102 and 103 Rejections

Claims 1, 3, 5, 6, 9, 10, 13, and 14 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,814,220 to Brody ("Brody"). Claims 1, 3, 5, 6, 9, 10, and 14 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,673,788 to McLane ("McLane"). Claims 1, 3, 5, 6, 9-11, and 14 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2003/0010780 to Redzisz ("Redzisz"). Claims 2 and 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over either one of McLane or Redzisz. Claims 1-6 and 8-11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McLane in view of Redzisz.

Claims 1-14 have been cancelled rendering these rejections moot.

New Claims

Claims 15-34 have been added. Applicant submits that claims 15-34 are patentable over the cited art at least for the following reasons.

Brody discloses a collapsible trunk in which the walls of the lid and body are pivotally

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secured to the top and bottom panels respectively by a continuous flexible strip. (Abstract). The body 14 is formed with a bottom panel 16, front, back, and side walls. (Col 2, Ins. 15-16). The walls are secured to corresponding edges 26 of the bottom panel 16 by means of a flexible, elongated and continuous strip 28 that may be secured to the edges 26 of the bottom panel and corresponding adjacent edge 30 of each of the front, back and side walls 18, 20, 22 and 24. (Col. 2, Ins. 16-21). The lid is constructed in the same manner as the body 14 of the trunk in that it is provided with a top panel 44, front, back and side walls 46, 48, 50 and 52.

When in substantially set up position as shown in FIG. 3, rigid edge securing means in the form of angle irons 54 are provided. (Col 3, Ins. 1-3). Corner angles 58 are positioned in each of the bottom corners to overlap a portion of the flexible strip and the angle 54 as best shown in FIGS. 3, 4, and 5. (Col 3, Ins. 5-7). A combination angle for both the corner and the sides is provided for lid 12 and is shown at 60. (Col 3, Ins. 12-13).

As such, Brody discloses a collapsible trunk. The trunk include body and lid portions, each including pivotally connected front, back and side walls. To form the trunk, the front, back and side walls are secured together using angle irons and corner angles.

In contrast, the present invention relates to a hard case for use by a person for carrying small articles, especially eyeglasses that require protection when being transported to keep from being broken, and more particularly to such a hard case that can be folded substantially flat, after the article has been removed for use, and then conveniently stored in a pocket or pocketbook of the user. (Page 1, Ins. 5-9). The hard case of the invention consists of two components, an inner fold-down box 10 and a wrap-around 40, that coact to provide in one condition, a hard case for carrying a small article in a protective manner, and in another condition, to enable the emptied box 10 to be folded flat and the wrap-around 40 to be wrapped around the folded flat box 10 into a compact flat geometrical configuration that allows easy storage in one's pocket or pocketbook in a non-bulky manner. (Page 3, Ins. 18-24).

The inner fold down box 10 consists of rectangular end walls 12, rectangular side walls 14 and a bottom 16 securely fastened together by gluing or adhesive. (Page 3, Ins. 25-27). The

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end walls 12 and side walls 14 of box 10 extend to the same height and the box 10 is open at the top. (Page 4, lns. 2-3). All four corners 18, each formed at the intersection of an end wall 12 and a side wall 14, are articulated. (Page 4, lns. 3-5).

The wrap-around 40 consists of a series of flat parallel panels or sections, namely, a front section 42 (equal to the width of side walls 14), a bottom section 44 (equal in width to bottom 16), a back section 46 (equal in width to side walls 14), a top section 48 (equal in width to the top of the box 10) and a closure section 50. (Page 4, lns. 3-5). These sections are articulated one to the other. (Page 4, ln. 30 – page 5, ln. 1).

As such, the present invention discloses a hard case for holding small articles. The hard case includes a wrap around section and an inner box section, where in a first configuration the wrap around section wraps around the inner box to form the hard case. In a second configuration, the inner box folds down and the wrap around section is folded about the inner box into a compact flat geometrical configuration for storage.

Brody fails to disclose that the collapsible holder includes a wrap-around structure and an inner box positioned thereon, about which the wrap around structure is wrapped to form the hard case.

McLane discloses a collapsible holder for a breakable device that provides a rigid protective holder for the breakable device when the breakable device is not in use and a compact readily storable product when the breakable device is in use. (Col. 1, lns. 37-42). One sheet of a relatively flexible protective material, such as a rubberized double-sided cotton sheeting or other material having similar characteristics or other synthetic materials, is folded over to form two layers 4 and 6 which are secured together by stitching 8 to form a plurality of pockets 10, 12 and 14. Prior to forming the final stitching 8, a first relatively rigid member 16 is inserted into the pocket 12; a second relatively rigid member 18 is inserted into the pocket 14 and a third relatively rigid member 20 is inserted into the pocket 10. (Col. 4, lns. 27-35). The stitching 8 between the pockets 10, 12 and 14 provide two pivot means 38 and 40 for permitting relative pivotal movement between the first and second relatively rigid members 16 and 18 and between

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the first and third relatively rigid members 16 and 20. (Col. 4, ln. 64 – col. 5, ln. 1).

Triangularly shaped portions 34 integral with the layer 6 extend outwardly therefrom adjacent to each end of the pockets 12 and 14 and are secured together by stitching or other means along the border areas 36 to form end closures. The stitched together triangularly shaped portions 34 limit the distance that the relatively rigid members 16 and 18 may be moved apart. (Col. 5, lns. 1-3).

As such, McLane discloses collapsible holder having three pivotally connected panels. Triangular shaped end portions are attached to two of the panels, and are used to limit the range of motion of the panel to define a pocket for receiving the breakable device.

Similar to Brody, McLane fails to disclose that the collapsible holder includes a wrap-around structure and an inner box positioned thereon, about which the wrap around structure is wrapped to form the hard case.

Redzisz discloses a collapsible storage chest or container which includes a series of six generally rectangular panels connected along certain sides of the panels by flexible hinges and foldable from a flat planar configuration thus comprised of a bottom panel, two opposite side panels, a top panel and opposed, spaced end panels. (§[0003]). The collapsible container or chest is comprised, in its first preferred embodiment, of six panels including a first rectangular side panel 10, a second rectangular bottom panel 12, a third rectangular side panel 14, a fifth end panel 16, a sixth, opposite end panel 18 and a fourth rectangular top panel 20 with a fold-over attachment flap 22. (§[0025]). The end panels 16 and 18 thus define the general configuration of the container or chest as viewed from the end panels 16 and 18 and the term "rectangular" should be interpreted broadly to include various four-sided shapes. (§[0026]). The fifth end panel 16 is, in the first embodiment depicted, a square configuration panel which is attached by a flexible hinge 42 to the first side panel 10. (§[0029]).

To assemble the container, the steps illustrated by FIGS. 1-5 are preferably followed. (§[0036]). Thus, first the fifth and sixth end panels 16 and 18 are folded (FIG. 2) so that they extend generally perpendicular and upwardly from the first or front side panel 10. (Id.) Next, as

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shown in FIG. 3, the first side panel 10 is folded along its side 28 so that the end panels 16, 18 can be connected to the bottom or second panel 12. (Id.) The loop and hook construction associated with flaps on the end panel 16, 18 permit solid attachment of the end panel 16 and end panel 18 to the bottom panel 12. (Id.) As a subsequent step illustrated in FIG. 4, the partially assembled panels 10 and 12 are folded once again along a juncture 90 between second and third panels 12 and 14. (Id.) This defines the enclosure for the container and, of course, the loop and hook 60 and 72 connectors are engaged by folding the flap 62 depicted in FIG. 6. (Id.) Thus, an open top container as depicted in FIG. 4 is assembled. (Id.) Handles such as handle 92 on end panel 18 are provided so that the carrying case or chest may be easily transported. (Id.)

As such, Redzisz disclose a collapsible container having six interconnected panels, wherein a pair of end panels are connected to a side panel. When forming the container, the end panels define the general configuration of the container. However, as with Brody and McLane, Redzisz fails to disclose that the container includes a wrap-around structure and an inner box positioned thereon, about which the wrap around structure is wrapped to form the container.

Claim 15 recites a hard case for carrying a small article. The hard case includes a plurality of elongated hard panels arrayed in a flat parallel side-by-side transverse arrangement and articulated together in a spaced manner to enable the panels to be folded up into a rectangular shape with end panels overlapped. The hard case also includes an inner rectangular open top box having a bottom portion and side and end wall portions, the bottom portion of the open top box being fixed to one of the plurality of panels next adjacent to an end panel, one wall portion of the open top box being fixed to the next adjacent end panel. The open top box being foldable down horizontally to a flat configuration, and being foldable up vertically to an open top box configuration. The hard case in a first condition, when carrying a small article, has the open top box folded up vertically to its open box configuration with the panels folded around the box and the two end panels overlapped. In a second condition, when not carrying a small article, the open box is folded down horizontally to its flat configuration with the panels wrapped around the flat

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box to form a flat, compact structure, configured and dimensioned to be carried in a person's pocket or pocketbook. Claim 27 includes analogous elements.

In light of the foregoing, independent claims 15 and 27 are respectfully submitted to be patentable over Brody, McLane, and Redzisz either alone or in combination. As claims 15-26 depend from claim 15 and claims 28-34 depend from claim 27, and necessarily include all the elements of their base claims, Applicant respectfully submits that these dependent claims are also patentable at least for the same reasons.

Furthermore, the inclusion of U.S. Patent No. 4,823,943 to Chang ("Chang") or of U.S. Patent No. 6,142,365 to Breitbach ("Breitbach") with McLane fails to overcome the deficiencies in McLane.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due for this submission. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7001-A03-002).

Respectfully submitted,

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